

AP

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/759,035	HSIEH, CHIN-CHIH	
	Examiner	Art Unit	
	Stanley J. Pruchnic, Jr.	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 3/31/05.
2.  The allowed claim(s) is/are 1-5 and 8-11.
3.  The drawings filed on 20 January 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
 Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
 Paper No./Mail Date \_\_\_\_\_.
4.  Examiner's Comment Regarding Requirement for Deposit  
 of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
 Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments (see Remarks, filed 31 March 2005) with respect to the amended claims have been fully considered and are persuasive. The rejection of Claims 1-5, 8 and 9 has been withdrawn in view of the amendment.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with KAO H. LU on **22 April 2005**.

3. The application has been amended as follows in order to more clearly describe the invention:

#### **In the Claims:**

- a. In Claim 1, Line 17: the indefinite article --an-- has been inserted before "individual"; and
- b. In Claim 1, Line 17: after "memory", the plural word "sectors" has been deleted and replaced therefor by the singular --sector--.
- c. In Claim 1, Line 18: the phrase --one of the-- has been inserted before the word "users".
- d. In Claim 1, Line 19: after "signal or", the word "late" has been deleted and replaced therefor by the --later-- in order to correct a minor grammatical error.
- e. In Claim 10, Line 13: the line has been indented.
- f. In Claim 10, Line 13, the word "form" has been deleted and replaced therefor by the correctly spelled --from--.

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- g. In Claim 10, Line 17: after "signal or", the word "late" has been deleted and replaced therefor by the --later-- in order to correct a minor grammatical error.
- h. In Claim 11, Line 2, the word "indemnification" has been deleted and replaced therefor by the correctly spelled --identification--.

### ***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance: Claims 1 and 10 are allowable because the prior art fails to teach or fairly suggest a multiple measurement and memory electronic ear thermometer, comprising:

- a keypad unit;
- a microprocessor in electric communication with the keypad unit;
- an ear temperature measuring unit operative to measure ear temperature of a selected user, and
- a memory unit, being partitioned into an individual memory sector for each one of the users,

as defined in the claims, each arranged and functioning as recited in Claims 1 and 10, wherein

the keypad unit includes a selection key, wherein when the selection key is pressed, the keypad unit is operative to generate either a second input signal for selecting the number of users or a third input signal for selecting one of the users;

the microprocessor being operative to generate a fourth control signal in response to the third input signal (generated by the keypad unit); and

wherein the memory sector is operative to save the ear temperature measurement (for the selected one of the users, based on the selection key press, as described in the claim by the chain of required signals: from key press to "third input signal" to "fourth control signal" to the selected "partitioned memory sector") in response to... the fourth control signal or later to retrieve the stored ear temperature measurement in response to the fourth control signal, in combination with

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the other limitations of the respective claims. Claims 2-5, 8-9 and 11 are allowable by virtue of their dependency upon the respective of Claims 1 and 10.

The meaning of a selected "partitioned memory sector" as used in the claim is considered to be understood in the art of electronic memory to mean the selected sector is set aside for storing a particular selected user data, excluding other user data from that memory sector.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the form PTO-892 and not mentioned above disclose related temperature measurement devices and methods.

- **CHENG** (U. S. Patent Application Pub. No. US 2005/0059867 A1) discloses (see Paragraph [0023] monitoring body temperature of persons/patients/users (5) with temperature monitoring devices (1) attached to the persons (5); and includes identification of the person (5) and storage and display of the body temperature along with time at which the temperature measurement was made.
- US 6544174 B2 (West et al., hereinafter **WEST**) discloses a related patient monitor 22a including input devices (buttons 86), display screen 84, memory device 102, controller 100 (Figs. 5, 7), patient identifier 100, configured to operate as stand-alone device 22 and/or in communication with a central station, which may include memory device 102 having sectors assigned to different patient monitors 22, each associated with an IP address (Col. 16, Lines 50-66). A single patient monitor 22a may be used for a plurality of users, "different patients" (Cols. 19-20), however, once a patient identification is made for a particular patient monitor, the central station associates all data from that monitor as being associated with the same patient. This patient data may be stored in a database

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system 40, capable of retrieving later (Col. 22). WEST teaches selection of one user (patient) to be monitored by the device, but there is no teaching or suggestion in WEST that there should be a limit to the number of users as claimed by Applicant, because the number of users would only be limited by the capacity of the database system 40, not by the memory device 102 of the patient monitor. The patient monitor only stores a patient identification for a single patient in memory device 102 (Col. 23). Therefore, WEST teaches away from a multiple measurement and memory electronic ear thermometer including a keypad operative to generate a signal for selecting the number of users as claimed by Applicant.

- **MAULT** and **MAULT et al.** references cited disclose ear thermometers (e.g., Fig. 15 in US 2001/0044588 A1) configured as modular devices in combination with a PDA, etc. But the MAULT references cited do not disclose or fairly suggest a multiple measurement and memory electronic ear thermometer including a memory unit as claimed by Applicant, being partitioned into individual memory sectors for each of a plurality of users.

The other cited prior art include at least some features in common with Applicant's invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stanley J. Pruchnic, Jr., whose telephone number is **(571) 272-2248**. The examiner can normally be reached on weekdays (Monday through Friday), the best hours being from 8:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez (Art Unit 2859) can be reached at **(571) 272-2245**. The Official FAX number for Technology Center 2800 is (703) 872-9306 for all official communications.

Any inquiry of a general nature or relating to the status of this application or proceeding may be directed to the official USPTO website at [www.uspto.gov](http://www.uspto.gov) or you

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may call the **USPTO Call Center at 800-786-9199** or 703-308-4357. The Technology Center 2800 Customer Service FAX phone number is (703) 872-9317.

The cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site, from the Office of Public Records and from commercial sources.

Private PAIR provides external customers Internet-based access to patent application status and history information as well as the ability to view the scanned images of each customer's own application file folder(s).

For inquiries relating to Patent e-business products and service applications, you may call the **Patent Electronic Business Center (EBC)** at **703-305-3028** or toll free at **866-217-9197** between the hours of **6 a.m. and midnight Monday through Friday EST**, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). Additional information is available on the Patent EBC Web site at: <http://www.uspto.gov/ebc/index.html>.

SJF

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4/22/05

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